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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,996	04/05/2002	Tatsuji Nagaoka	968.3/112	5819
79510 7590 11/25/2008 NTT Mobile Communications Network I/BHGL P.O. Box 10395 Chicago, IL 60610				
EXAMINER				
LE, KHANH H				
ART UNIT		PAPER NUMBER		
3688				
MAIL DATE		DELIVERY MODE		
11/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/089,996

Applicant(s)

NAGAOKA ET AL.

Examiner

KHANH H. LE

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-20, 24-30 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-20, 24-30, 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the correspondence filed 09/12/2008 .
Claims 18, 19, 20, 24-30, 54 are currently pending (Claims 21, 22-23, 31-43, 45-46, 48-53, 55 were withdrawn). Claim 18 is amended. Claim 18 is independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 18-20, 24, 26-30, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabai US 6773344 in view of Aggarwal US 7013286.**

Claims 18 and 30:

Gabai US 6773344 discloses interactive toys wirelessly connected to set top boxes (and other like devices) to receive promotions and other targeted content. See, e.g. abstract:

"Methods and apparatus for integrating interactive toys with interactive television and cellular communication systems are described. Interactive toys have real time conversations with users, preferably employing speech

recognition. Interactive toys are preferably connected to at least one interactive toy server which is preferably connected to entertainment, education, sales promotion and other content providers possibly via Internet communication systems. Such a connection may utilize, for example, telephone lines, cellular communication systems, coaxial cables, satellite, DSL or other broadband systems. Interactive toys may be connected, via a wireless link, to a computing device such as a home computer, an Interactive Television set-top box or a base unit which provides Internet connectivity for the toy.

Interactive toys may support mobile cellular or satellite communication. These toys are able to provide entertainment, education, sales promotion and other content to a user. Content is provided to users for their toys which enables toys to form relationships with users. Interactive Toys further utilize user knowledge bases to match entertainment, education and sales promotion content to user histories, behaviors and habits. Content is thus personalized to an individual user as well as to a user's environment including the user's location and the time at which the toy is used. Integration of content, such as entertainment, education and sales promotion is provided by merging Interactive Television techniques with Interactive Toys. "

(See also col. 4 lines 46-54; col. 29 line 34 to col. 30 line 65: integration of interactive TV technology and interactive (including cell-phone) toys; Figures 39, 40 or 41 and associated text: connection via interactive TV technology ; Figures 38 and 34 41 and associated text: interactive toy with controller, receiver, requests sender)

Thus Gabai discloses:

A mobile terminal (interactive toy with wireless link to set top box) for use in a broadcasting system comprising a broadcast station, the mobile terminal comprising: interactive device interface specifically configured to communicate with an interactive device (STB) for receiving broadcast information from the broadcast station; interactive device control configured to instruct the interactive device (STB) via the interactive device interface to control reception and reproduction of the broadcast information by the interactive device and forwarding of selected information in the broadcast information to the mobile terminal from the interactive device.

GABAI discloses providing the coupons to the interactive (cell phone) toy for the user benefits (col. 20 lines 58-61); direct purchases with, and purchases with coupons provided by the cellphone toy (col.62 lines 20-25) in-store or otherwise (col.62 lines 20-25). Thus GABAI implicitly discloses receiving and storing the coupons on the cell-phone toy.

Thus GABAI discloses:

incentive information receiver (toy cell phone receiver) configured to receive the incentive information returned from the management system;
incentive information storage configured to store the incentive information returned from the management system.

While GABAI discloses discounts or coupons sent to the interactive toys (i.e. push technology), it is not explicitly disclosed that the user is requesting such discounts (i.e. pull technology). However GABAI discloses such requests can be done by a

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mobile user device via the interactive TV system (col. 30 lines 29-36). Thus it would have been obvious to one having ordinary skill in the art at the time of the invention (herein a "PHOSITA") to add to the GABAI interactive toy such requesting capability to allow users to request coupons or incentives they are interested in.

Thus GABAI modified as above discussed discloses:

request generator configured to generate a user request for incentive information for promoting a service found in the broadcast information;

request sender configured to transmit the user request for incentive information (col. 20 lines 58-61: cell-phone toy "generating" discounts or coupons, read together with e.g. col. 30 lines 29-36 either implies or makes obvious that the cell-phone toy can request and discounts or coupons which are receivable by a management system located outside the mobile terminal (e.g. some coupons server on the internet, see e.g. Figures 40 or 41, link to internet servers).

incentive information receiver (toy cell phone receiver) configured to receive the incentive information returned from the management system.

Gabai also suggests **coupon redeeming** via the cell phone network (direct purchases with, and purchases with coupons provided by the cellphone toy (col.62 lines 20-25) in-store or otherwise (col.62 lines 20-25; also note Fig. 35: roving toy in mall connecting to mall computers).

However, if it is contested, that Gabai does not explicitly disclose the cellphone toy was used to redeem a coupon stored thereon, Aggarwal, in a generation,

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distribution, storage, redemption, validation and clearing of electronic coupons scheme, discloses:

"In another embodiment, the customer obtains electronic coupons and at a later stage, he or she downloads the electronic coupon in a portable device such as floppy disk, magnetic tape, compact disk, personal digital assistant, portable smart-card, cellular phone, etc., and takes the portable device to a retailer where the coupon verification equipment reads the electronic coupon from the portable device either using a wired communication channel or a wireless channel. The verification equipment then checks the validity of the coupon. If the coupon is valid, the retailer gives the intended discount to the customer."

Thus it would have been obvious to a PHOSITA to add Aggarwal's mobile device capability of presenting the coupon for redemption to Gabai's interactive toy to allow redeeming the coupons for the user's benefit (Gabai, col. 20 lines 58-61)

Thus Gabai in view of Aggarwal discloses:

mobile communication network interface configured to communicate via a mobile communication network with a service facility (e.g. a store) that provides the service (providing the incentive); and

incentive information presenter (i.e. software or hardware to present)) configured to present the stored incentive information via the mobile communication network to the service facility in order to receive the promoted service from the service facility.

Claims 19, 20, 54:

Gabai and Aggarwal modified as above disclose a terminal as in Claim 18 above and Gabai further discloses user request sent and incentive information received via the interactive device (STB) (see discussion above and col. 30 lines 29-36).

Claims 24 and 28:

Gabai and Aggarwal modified as above discussed disclose a terminal as in Claim 18. While Gabai does not explicitly teach a memory for storing personal information, wherein the personal information is communicated to the management system, along with the user request or the user request comprises a qualification for the user to receive the incentive information, GABAI discloses targeted sales promotion content (abstract, excerpt above). Thus, the claimed limitations are either explicitly or implicitly disclosed, or would have been obvious to be added to Gabai modified as above discussed to allow effecting the above targeting purpose.

Claims 26 and 27:

Gabai and Aggarwal modified as above discussed disclose a terminal as in Claim 18 above and Gabai further discloses the incentive information comprises a request to render a service (the service requested is interpreted as a coupon as suggested by applicants) or a redeemable promotion (e.g.: e-coupon) (see claim 18 above) .

Claim 29:

Gabai and Aggarwal modified as above discussed disclose a terminal as in Claim 18 above and Gabai further discloses the incentive information presenter communicates at least a part of the incentive information to the service facility via the mobile communication network (see claim 18 above).

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gabai US 6773344 in view of Aggarwal as applied to Claim 18 above, and further in view of Holman, US 5,287,181.

Claim 25:

Gabai and Aggarwal modified as above discussed disclose a terminal as in Claim 18 above and the user interface comprises a keypad for inputting data (see e.g. col. 20 lines 32-36; Fig 19 "keypad") but do not explicitly disclose wherein the user request comprises a form to be filled with information by a user, and the user interface comprises a keypad for inputting data into the form.

However, in analogous art of coupon downloaded via interactive TV, Holman discloses a form filled out by a user to subscribe to the coupon service based on which a subscription data card is generated (col. 16 lines 44-60) for inputting user data into the e-coupon system which is periodically updated (col. 17 lines 7-9). Thus it would have been obvious to a PHOSITA to add Holman's teaching of using the form to Gabai to allow the user to subscribe to the coupon service. Also, because Holman suggests

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other electronic means instead of the subscription data card for inputting consumer data into the system are possible alternatives (col. 16 lines 49-50), it would have been obvious to a PHOSITA to use the keypad of Gabai's mobile device as an alternative for inputting such user data.

Response to Arguments

5. Applicant's arguments with respect to claims 18, 19, 20, 24-30, 54 have been considered but are moot in view of the new ground(s) of rejection presented above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHANH H. LE whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday-Wednesday 9:00-6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Myhre James can be reached on 571-272-6724. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Khanh H. Le/
Examiner, Art Unit 3622
November 22, 2008

/James W Myhre/
Supervisory Patent Examiner, Art Unit 3688